

## REMARKS

The Applicant appreciates the thoroughness with which the subject application has been examined. By this amendment, certain claims have been amended as set forth above to overcome the Examiner's rejections and more concisely claim and describe the present invention. Claims 21-30 remain in the application, claims 1-20 having been withdrawn. The Examiner's allowance of all pending claims is earnestly solicited.

### MATTERS RELATED TO THE RESTRICTION REQUIREMENT

The Applicant acknowledges the election made in response to the Examiner's restriction requirement. However the election was made with traverse as set forth on page 6 of the Applicant's reply filed on April 8, 2005.

### MATTERS RELATED TO THE CLAIMS

The Examiner has rejected claims 21 and 23-30 under Section 102(b) as anticipated by Jerbic (US 5,500,075). Claim 22 stands rejected under Section 103(a) as unpatentable over Jerbic in view of the Applicant's admitted prior art.

To further define the invention over the prior art, claim 21 has been revised to include, "an integrating element for producing an integrated error signal responsive to the error signal" and "an adding element responsive to the integrated error signal and to a signal representative of the desired etchant gas concentration for producing a control signal provided to the first mass flow controller for controlling the etchant gas concentration." As amended, claim 21 also refers to an emissive spectral line for the etchant gas and an emissive spectral line for the inert gas. Further, "the emissive spectral line for the etchant gas and the emissive spectral line for the inert gas exhibit similar cross-sections for excitation."

No new matter has been introduced by these amendments. Support for the later change can be found in the specification at paragraph [0026]. Support for the addition of the integrating element and the adding element can be found in the specification at paragraph [0031].

Jerbic does not disclose or suggest the use of emission spectral lines having similar cross-sections for excitation. He refers merely to measuring the optical emission of two or

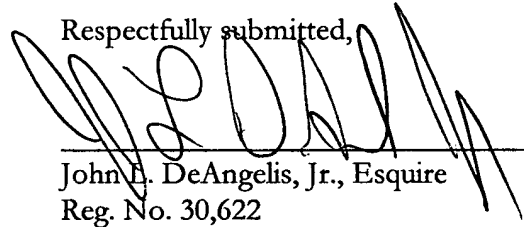
more components in the plasma and comparing the quantitative optical emissions signals. Jerbic does not disclose or suggest the integrating element or the adding element as set forth in the Applicant's amended claim 21.

It is respectfully submitted that dependent claims 22-30, depending either directly or indirectly from amended independent claim 21, are allowable and further distinguish the invention over the art of record.

The Applicant has attempted to comply with all of the points raised in the Office Action and it has been shown that all pending claims 21-30 are now in condition for allowance. In view of the foregoing amendments and discussion, it is requested that the Examiner's rejection of claims 21-30 has been overcome. It is respectfully requested that the Examiner withdraw the rejections and issue a Notice of Allowance for all pending claims.

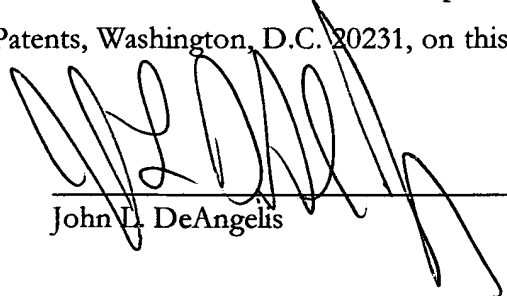
If a telephone conference will assist in clarifying or expediting this Amendment or the claim changes made herein, the Examiner is invited to contact the undersigned at the telephone number below.

Respectfully submitted,

  
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CERTIFICATE OF MAILING

I HEREBY CERTIFY that a true and correct copy of the foregoing Amendment is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mailstop Amendment, Commissioner of Patents, Washington, D.C. 20231, on this 28<sup>th</sup> day of September 2005.

  
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John L. DeAngelis